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REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-4, 12-27, and 34-37 are pending.

Amendments to the Claims

Claims 1-4, 12-27, and 34-37 have been examined with no claims being allowed. Applicants have amended Claims 1 and 13, and have canceled Claim 12. No new matter has been added by this Amendment.

Claim 1 has been amended to include the limitations of Claim 12. Thus, Applicants respectfully request cancellation of Claim 12. Claim 13 has been amended in view of the changes in Claim 1.

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

Claim Rejections - 35 U.S.C. §103

A. Boney et al. in view of Syverson and Yahiaoui et al.

The rejection of Claims 1-4, 12-14, 19-21, and 34-37 under 35 U.S.C. §103(a) as being unpatentable over Boney et al. (U.S. Patent No. 5,932,495) in view of Syverson (U.S. Patent No. 5,612,045) and Yahiaoui et al. (PCT Publication No. WO 98/09662) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Applicants' invention, as recited in Claim 1, is directed to a method of reducing bacterial growth in a nonwoven substrate resulting from exposure to an aqueous source of bacteria and requires that the nonwoven substrate includes synthetic fibers and is treated externally, namely by dipping, soaking, spraying, printing, and/or foaming an alkyl polyglycoside surfactant solution onto the nonwoven substrate.

Boney et al. disclose products and methods for enhancing malodor absorption properties of compositions and substrates such as synthetic polymers treated with surfactants (Col. 2, lines 1-4). Boney et al. is directed to the *enhancement* of malodor absorption properties, and therefore involves the treatment of materials that already possess malodor absorption properties.

Boney et al. differentiate malodor-absorbing properties among synthetic and natural materials. More particularly, the products and methods in Boney et al. entail the use of an internal additive for synthetic polymers or an external additive for natural polymers (Abstract). Thus, with respect to synthetic polymers, Boney et al. disclose *internal* additives, and further require that such additives be used in addition to a surfactant (Col. 2, lines 1-4) in order to enhance the malodor absorption properties of the material. Boney et al. fail to disclose or suggest a method of reducing bacterial growth in a nonwoven substrate resulting from exposure to an aqueous source of bacteria. Additionally, Boney et al. fail to disclose or suggest external treatment of a nonwoven substrate, including synthetic fibers, with an alkyl polyglycoside to effect a reduction in bacterial growth.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Boney et al. are concerned with the absorption of malodors, not with reducing bacterial growth resulting from exposure to an aqueous source of bacteria. The analysis of odor-reducing capabilities of various materials can be carried out as described at Col. 5, line 29 – Col. 7, line 22, of Boney et al. Bacterial growth can be measured as described on pages 16-22 of the subject application. Comparing the odor-reducing analysis and the bacterial growth analysis test methods, it is clear that the two types of analyses are directed to completely different properties. Thus, Boney et al. fail to disclose or suggest a method of reducing bacterial growth, and there is no motivation within Boney et al. to modify the reference to suggest such a method.

Syverson is directed to the use of an ether compound applied to an absorbent article to inhibit the production of exotoxins by Gram positive bacteria.

Contrary to the Examiner's assertion, Syverson fails to disclose or suggest any correlation between bacterial growth and odor. Instead, Syverson focuses on an absorbent product treated with a compound that can inhibit the production of exoproteins from Gram positive bacterium without substantially altering the natural flora found in the vaginal area, with such compound being substantially unaffected by the enzymes lipase and esterase. Syverson also fails to disclose or suggest any use for alkyl polyglycosides. Since Syverson and Boney et al. use completely different compositions to accomplish completely different objectives, there is no motivation to combine the teachings of Syverson with the teachings of Boney et al.

Yahiaoui et al. is directed to the treatment of material to improve handling of viscoelastic fluids. More particularly, Yahiaoui et al. disclose applying alkyl polyglycosides to materials to enhance the materials' absorbency of viscoelastic fluids. Alkyl polyglycosides are not used to provide any sort of bacterial growth reduction properties in Yahiaoui et al. Although both Boney et al. and Yahiaoui et al. disclose the application of alkyl polyglycosides to absorbent articles, the properties derived from alkyl polyglycosides in each of these references are used for completely different purposes. Because Boney et al. and Yahiaoui et al. are directed to such different purposes, namely malodor reduction versus absorption of viscoelastic fluids, there is no motivation to combine the teachings of Yahiaoui et al. with the teachings of Boney et al.

Another requirement for establishing a *prima facie* case of obviousness is that the prior art references must teach or suggest all the claim limitations. Since neither Boney et al., nor Syverson, nor Yahiaoui et al. disclose or suggest any bacterial growth reduction properties of alkyl polyglycosides, none of these references, alone or in combination, discloses or suggests the use of alkyl polyglycosides for reducing bacterial growth.

For at least the reasons given above, Applicants respectfully submit that Boney et al. in view of Syverson and Yahiaoui et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Boney et al., Syverson, Yahiaoui et al., and further in view of Stokes et al.

The rejection of Claim 16 under 35 U.S.C. §103(a) as being unpatentable over Boney et al. in view of Syverson and Yahiaoui et al. as applied to Claim 1 above, and further in view of Stokes et al. (U.S. Patent No. 5,931,823) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Stokes et al. disclose absorbent structures having wettable fibers for improved absorbent properties. In an example, several absorbent structures are treated with a surfactant solution that includes an alkyl polyglycoside (Col. 10, lines 56-64). No mention of any properties attributable solely to alkyl polyglycosides is made in the Stokes et al. reference.

Since neither Boney et al., nor Syverson, nor Yahiaoui et al., nor Stokes et al. disclose or suggest any bacterial growth reduction properties of alkyl polyglycosides, none of these references, alone or in combination, discloses or suggests the use of alkyl polyglycosides for reducing bacterial growth on surge layers or any other type of nonwoven substrate.

For at least the reasons given above, Applicants respectfully submit that Boney et al. in view of Syverson and Yahiaoui et al. and further in view of Stokes et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

C. Yahiaoui et al. in view of Syverson

The rejection of Claims 1-4, 12, 14, 15, 17-27, and 34-37 under 35 U.S.C. §103(a) as being unpatentable over Yahiaoui et al. in view of Syverson is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Yahiaoui et al. disclose applying alkyl polyglycosides to materials to enhance the materials' absorbency of viscoelastic fluids. Alkyl polyglycosides are not used to provide any sort of bacterial growth reduction properties in Yahiaoui et al.

Also explained above, Syverson is directed to the use of an ether compound applied to an absorbent article to inhibit the production of exotoxins by

Gram positive bacteria, and fails to disclose or suggest any correlation between bacterial growth and odor. Furthermore, Syverson also fails to disclose or suggest any use for alkyl polyglycosides.

Since the invention of Yahiaoui et al. is directed to the application of alkyl polyglycosides for handling viscoelastic fluids and the invention of Syverson is directed to the prevention of exotoxins with no mention of alkyl polyglycosides, there is no suggestion to combine the teachings of Yahiaoui et al. with the teachings of Syverson. Even if Yahiaoui et al. were combined with Syverson, the combination would fail to disclose or suggest Applicants' invention because neither Yahiaoui et al. nor Syverson disclose or suggest the use of alkyl polyglycosides for reducing bacterial growth.

For at least the reasons given above, Applicants respectfully submit that Yahiaoui et al. in view of Syverson fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

D. Yahiaoui et al., Syverson, and further in view of Stokes et al.

The rejection of Claim 16 under 35 U.S.C. §103(a) as being unpatentable over Yahiaoui et al. and Syverson as applied to Claim 1 above, and further in view of Stokes et al. is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As discussed above, neither Yahiaoui et al., nor Syverson, nor Stokes et al. disclose or suggest any bacterial growth reduction properties of alkyl polyglycosides. Thus, none of these references, alone or in combination, discloses or suggests the use of alkyl polyglycosides for reducing bacterial growth on surge layers or any other type of nonwoven substrate.

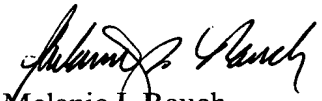
For at least the reasons given above, Applicants respectfully submit that Yahiaoui et al. in view of Syverson and further in view of Stokes et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Melanie L. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403